

1 **UTAH COMMUNICATIONS AUTHORITY AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Ryan D. Wilcox

7 **LONG TITLE**

8 **General Description:**

9 This bill makes changes to the Utah Communications Authority Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires the Retirement and Independent Entities Committee to provide
- 14 recommendations regarding the Utah Communications Authority to the Legislative
- 15 Management Committee;
- 16 ▶ increases the amount of funds that can be distributed to a qualifying public safety
- 17 answering point ("PSAP");
- 18 ▶ requires a PSAP to be designated as an emergency medical service dispatch center
- 19 to receive certain funds;
- 20 ▶ clarifies how long funds will not be distributed to a non-qualifying PSAP;
- 21 ▶ allows a public agency to create a PSAP to provide 911 service to non-contiguous
- 22 areas in certain situations; and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63E-1-202**, as last amended by Laws of Utah 2002, Chapter 250

31 **63H-7a-102**, as last amended by Laws of Utah 2019, Chapter 509

32 **63H-7a-202**, as last amended by Laws of Utah 2020, Chapter 368

33 **63H-7a-304.5**, as enacted by Laws of Utah 2020, Chapter 368

34 **63H-7a-402**, as last amended by Laws of Utah 2019, Chapter 509

35 **69-2-201**, as last amended by Laws of Utah 2020, Chapter 368

36 **69-2-203**, as last amended by Laws of Utah 2020, Chapter 368

37 **69-2-204**, as enacted by Laws of Utah 2020, Chapter 368

38

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **63E-1-202** is amended to read:

41 **63E-1-202. Duties of the committee.**

42 (1) The committee shall:

43 (a) study the scope of this title and determine what entities should be treated under this
44 title as independent entities;

45 (b) study the provisions of the Utah Code that govern each independent entity,
46 including whether or not there should be consistency in these provisions;

47 (c) study what provisions of the Utah Code, if any, from which each independent entity
48 should be exempted;

49 (d) study whether or not the state should receive services from or provide services to
50 each independent entity;

51 (e) request and hear reports from each independent entity;

52 (f) review the annual audit of each independent entity that is performed in accordance
53 with the statutes governing the independent entity;

54 (g) comply with Part 3, Creation of Independent Entities, in reviewing a proposal to
55 create a new independent entity;

56 (h) if the committee recommends a change in the organizational status of an
57 independent entity as provided in Subsection (2) and subject to Part 4, Privatization of
58 Independent Entities, recommend the appropriate method of changing the organizational status
59 of the independent entity;

60 (i) study the following concerning an entity created by local agreement under Title 11,
61 Chapter 13, Interlocal Cooperation Act, if the state is a party to the agreement creating the
62 entity:

63 (i) whether or not the entity should be subject to this chapter;

64 (ii) whether or not the state should receive services from or provide services to the
65 entity;

66 (iii) reporting and audit requirements for the entity; and

67 (iv) the need, if any, to modify statutes related to the entity;

68 (j) make a recommendation on the organizational status of each independent entity
69 prior to the 2002 General Session; and

70 (k) report annually to the Legislative Management Committee by no later than the
71 Legislative Management Committee's November meeting.

72 (2) The committee may:

73 (a) establish a form for any report required under Subsection (1);

74 (b) make recommendations to the Legislature concerning the organizational status of
75 an independent entity;

76 (c) advise the Legislature concerning issues involving independent entities; and

77 (d) study issues related to the implementation of Title 49, Utah State Retirement and
78 Insurance Benefit Act.

79 (3) (a) By the November 2023 Legislative Management Committee meeting, the
80 committee shall provide specific recommendations to the Legislative Management Committee
81 for the Utah Communications Authority.

82 (b) The report described in Subsection (3)(a) shall include recommendations regarding:

- 83 (i) the Utah Communication Authority's:
- 84 (A) administration;
- 85 (B) financial accountability;
- 86 (C) current and future needs;
- 87 (D) assets;
- 88 (E) history; and
- 89 (F) organizational status as an independent entity; and
- 90 (ii) any need to modify statutes related to the entity.

91 Section 2. Section **63H-7a-102** is amended to read:

92 **63H-7a-102. Utah Communications Authority -- Purpose.**

93 (1) This chapter establishes the Utah Communications Authority as an independent
94 state agency.

95 (2) The Utah Communications Authority shall:

96 (a) provide administrative and financial support for statewide 911 emergency services;
97 and

98 (b) establish and maintain a statewide public safety communications network for [~~state~~
99 ~~agencies, public safety agencies, and public safety answering points.~~] all state, city, county, and
100 local governmental entities.

101 Section 3. Section **63H-7a-202** is amended to read:

102 **63H-7a-202. Powers and duties of the Utah Communications Authority.**

103 (1) The authority has the power to:

104 (a) sue and be sued in the authority's own name;

105 (b) have an official seal and power to alter that seal at will;

106 (c) make and execute contracts and all other instruments necessary or convenient for
107 the performance of the authority's duties and the exercise of the authority's powers and
108 functions under this chapter, including contracts with public and private providers;

109 (d) own, acquire, design, construct, operate, maintain, repair, and dispose of any

110 portion of a public safety communications network utilizing technology that is fiscally prudent,
111 upgradable, technologically advanced, redundant, and secure;

112 (e) borrow money and incur indebtedness;

113 (f) enter into agreements with public agencies, private persons, the state, and federal
114 government to provide public safety communications network services on terms and conditions
115 the authority considers to be in the best interest of the authority;

116 (g) acquire, by gift, grant, purchase, or by exercise of eminent domain, any real
117 property or personal property in connection with the acquisition and construction of a public
118 safety communications network and all related facilities and rights-of-way that the authority
119 owns, operates, and maintains;

120 (h) sell, lease, or trade public safety communications network capacity, except
121 backhaul network capacity, to a state agency, a political subdivision of the state, or an agency
122 of the federal government;

123 (i) sell, lease, or trade backhaul network capacity to a state agency, a political
124 subdivision of the state, or an agency of the federal government for a public safety purpose;

125 (j) sell, lease, or trade backhaul network capacity to a state agency, a political
126 subdivision of the state, or an agency of the federal government for a purpose other than a
127 public safety purpose, subject to a maximum of 50 megabytes per second in the aggregate at
128 any one location;

129 (k) subject to Subsection (2):

130 (i) sell, lease, or trade backhaul network capacity to a private person for a public safety
131 purpose, subject to a maximum of 50 megabytes per second in the aggregate at any one
132 location; or

133 (ii) sell, lease, or trade public safety communications network capacity, except
134 backhaul network capacity, to a private person for any purpose;

135 (l) sell, lease, or trade public safety communications network capacity, if the sale,
136 lease, or trade is under an agreement the authority entered into before June 30, 2020, or under

137 an extension of an agreement that the authority entered into before June 30, 2020;

138 (m) review, approve, disapprove, or revise recommendations regarding the expenditure

139 of funds disbursed by the authority under this chapter; and

140 (n) perform all other duties authorized by this chapter.

141 (2) (a) For a sale, lease, or trade to a private person under Subsection (1)(k), the

142 authority shall require compensation from the private person that is:

143 (i) at fair market prices and reasonable;

144 (ii) competitively neutral;

145 (iii) nondiscriminatory;

146 (iv) open to public inspection; and

147 (v) established to promote access by multiple telecommunication facility providers[;

148 ~~and~~].

149 [~~(vi) set after the authority conducts a market analysis to determine the fair and~~

150 ~~reasonable value of public safety communications network capacity.]~~

151 [~~(b) The authority shall conduct the market analysis required under Subsection~~

152 ~~(2)(a)(vi):]~~

153 [~~(i) before a sale, lease, or trade to a private person under Subsection (1)(k), and]~~

154 [~~(ii) thereafter no less frequently than every five years.]~~

155 [~~(c)~~] (b) (i) Compensation charged under Subsection (2)(a) may be cash, in-kind, or a

156 combination of cash and in-kind.

157 (ii) In-kind compensation may not be charged without the agreement of the authority

158 and the private person who will pay the in-kind compensation.

159 (iii) The authority shall determine the present value of any in-kind compensation based

160 on the incremental cost to the private person.

161 (iv) The authority shall require the value of any in-kind compensation or combination

162 of cash and in-kind compensation to be at least the amount of cash that would be paid if

163 compensation were cash only.

164 (3) The authority shall work with PSAPs to identify and address deficiencies relating to
165 PSAP staffing and training.

166 Section 4. Section **63H-7a-304.5** is amended to read:

167 **63H-7a-304.5. Distributions from 911 account to qualifying PSAPs.**

168 (1) As used in this section:

169 (a) "Certified statement" means a statement signed by a PSAP's director or other
170 authorized administrator certifying the PSAP's compliance with the requirements of Subsection
171 (2)(a).

172 (b) "Fiscal year" means the period from July 1 of one year to June 30 of the following
173 year.

174 (c) "Proportionate share" means a percentage derived by dividing a PSAP's average
175 911 call volume, as reported to the State Tax Commission under Section [69-2-302](#), for the
176 preceding three years by the total of the average 911 call volume for the same three-year period
177 for all PSAPs that have submitted a certified statement seeking a distribution of the applicable
178 remaining funds.

179 (d) "Qualifying PSAP" means a PSAP that:

180 (i) meets the requirements of Subsection (2)(a) for the period for which remaining
181 funds are sought; and

182 (ii) submits a timely certified statement to the authority.

183 (e) "Remaining funds" means the money remaining in the 911 account after deducting:

184 (i) disbursements under Subsections [63H-7a-304](#)(2)(a), (3), and (4);

185 (ii) authority expenditures or disbursements in accordance with the authority's strategic
186 plan, including expenditures or disbursements to pay for:

187 (A) implementing, maintaining, or upgrading the public safety communications
188 network or statewide 911 phone system; and

189 (B) authority overhead for managing the 911 portion of the public safety
190 communications network; and

191 (iii) money that the board determines should remain in the 911 account for future use.

192 (f) "Required transfer rate" means:

193 (i) a transfer rate of no more than 2%; or

194 (ii) for a PSAP with a transfer rate for the fiscal year ending June 30, 2020, that is
195 greater than 2%, and until June 30, 2023, the transfer rate that meets the requirement for the
196 applicable period under Subsection 69-2-204(3)(a), (b), or (c).

197 (g) "Transfer rate" means the same as that term is defined in Section 69-2-204.

198 (2) (a) To qualify for a proportionate share of remaining funds, a PSAP shall, for the
199 period for which remaining funds are sought:

200 (i) have answered:

201 (A) 90% of all 911 calls arriving at the PSAP within 15 seconds; and

202 (B) 95% of all 911 calls arriving at the PSAP within 20 seconds;

203 (ii) have adopted and be using the statewide CAD-to-CAD call handling and 911 call
204 transfer protocol adopted by the board under Subsection 63H-7a-204(17);

205 (iii) have participated in the authority's annual interoperability exercise; ~~and~~

206 (iv) have complied with the required transfer rate[-]; and

207 (v) be designated as an emergency medical service dispatch center according to Section
208 26-8a-303.

209 (b) A PSAP that seeks a proportionate share of remaining funds shall submit a certified
210 statement to the authority no later than July 31 following the end of the fiscal year for which
211 remaining funds are sought.

212 (c) Notwithstanding Subsection (2)(a):

213 (i) a qualifying PSAP in a county with multiple PSAPs does not qualify for a
214 proportionate share of remaining funds for a period beginning after June 30, 2023, unless every
215 PSAP in that county is a qualifying PSAP; and

216 (ii) a PSAP described in Subsection 69-2-203(5) does not qualify for remaining funds.

217 (3) (a) Subject to Subsection (3)(b) ~~[and beginning after July 2021]~~, for PSAPs that

218 have become qualifying PSAPs for the previous fiscal year the authority shall distribute to each
219 qualifying PSAP that PSAP's proportionate share of the remaining funds.

220 (b) The authority may not distribute more than [~~15%~~] 20% of remaining funds to any
221 single PSAP.

222 (4) All money that a PSAP receives under this section is subject to Section [69-2-301](#).

223 Section 5. Section **63H-7a-402** is amended to read:

224 **63H-7a-402. Radio Network Division duties.**

225 (1) The Radio Network Division shall:

226 (a) provide and maintain the public safety communications network for [~~state agencies~~
227 ~~and local government public safety agencies~~] all political subdivisions in the state within the
228 authority network, including the existing VHF and 700 and 800 MHz networks, in a manner
229 that:

230 (i) promotes high quality, cost effective service;

231 (ii) evaluates the benefits, cost, existing facilities, equipment, and services of public
232 and private providers; and

233 (iii) where economically feasible, utilizes existing infrastructure to avoid duplication of
234 facilities, equipment, and services of providers of communication services;

235 (b) prior to issuing one or more requests for proposal:

236 (i) prepare a report demonstrating the Radio Network Division has:

237 (A) identified the locations and functional capabilities of existing public and private
238 communications facilities in the state;

239 (B) specifically evaluated the benefits, costs, and economic feasibility of utilizing
240 existing facilities, equipment, and services of public and private providers; and

241 (C) identified the public and private communications facilities that may be integrated
242 with the public safety communications network; and

243 (ii) present the report to the board at an open and public board meeting;

244 (c) prepare and submit to the executive director for approval by the board:

- 245 (i) an annual budget for the Radio Network Division;
- 246 (ii) an annual plan for the program funded by the Utah Statewide Radio System
- 247 Restricted Account created in Section [63H-7a-403](#); and
- 248 (iii) information required by the director to contribute to the comprehensive strategic
- 249 plan described in Section [63H-7a-206](#);
- 250 (d) recommend to the executive director administrative rules for approval by the board
- 251 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
- 252 the program funded by the restricted account created in Section [63H-7a-403](#), including rules
- 253 that establish the criteria, standards, technology, equipment, and services that will qualify for
- 254 goods or services that are funded from the restricted accounts; and
- 255 (e) fulfill other duties assigned to the Radio Network Division under this chapter.
- 256 (2) The Radio Network Division may:
- 257 (a) recommend to the executive director to sell, lease, or otherwise dispose of
- 258 equipment or personal property purchased, leased, or belonging to the authority that is related
- 259 to the public safety communications network;
- 260 (b) recommend to the executive director to own, operate, or enter into contracts for the
- 261 public safety communications network;
- 262 (c) review information regarding:
- 263 (i) in aggregate, the number of radio service subscribers by service type in a political
- 264 subdivision; and
- 265 (ii) matters related to the public safety communications network;
- 266 (d) in accordance with Subsection (2)(c), request information from:
- 267 (i) local and state entities; and
- 268 (ii) public safety agencies; and
- 269 (e) employ outside consultants to study and advise the division on issues related to:
- 270 (i) the public safety communications network;
- 271 (ii) radio technologies and services;

- 272 (iii) microwave connectivity;
- 273 (iv) fiber connectivity; and
- 274 (v) public safety communication network connectivity and usage.

275 (3) The information requested by and provided to the Radio Network Division under
276 Subsections (2)(c) and (d) is a protected record in accordance with Section 63G-2-305.

277 (4) This section does not expand the authority of the State Tax Commission to request
278 additional information from a telecommunication service provider.

279 Section 6. Section 69-2-201 is amended to read:

280 **69-2-201. Public safety answering point -- Establishment -- Administration --**
281 **Consolidation.**

282 (1) (a) A public agency may:

283 (i) operate a public safety answering point to provide 911 emergency service to any
284 part of the geographic area within the public agency's jurisdiction;

285 (ii) subject to Subsection (1)(b), operate a public safety answering point with any other
286 contiguous public agency to provide 911 emergency service to any part of the geographic area
287 within the public agencies' jurisdictions; ~~[or]~~

288 (iii) operate a public safety answering point under an agreement with another public
289 agency that existed before January 1, 2017, to provide 911 emergency service to any part of the
290 geographic area within the public agencies' jurisdictions~~[-]; or~~

291 (iv) subject to Subsections (1)(b) and (c), operate a public safety answering point to
292 provide 911 emergency service for all public safety agencies in a non-contiguous county of the
293 fourth, fifth, or sixth class, if the public agency is located in a county of the fourth, fifth, or
294 sixth class.

295 (b) A public agency that operates a public safety answering point in connection with ~~[a~~
296 ~~contiguous]~~ another public agency shall:

297 (i) provide for the operation of the public safety answering point by interlocal
298 agreement between the public agencies; and

299 (ii) submit a copy of the interlocal agreement each year to the director of the Utah
300 Communications Authority.

301 (c) A public agency that operates a public safety answering point described in
302 Subsection (1)(a)(iv) shall:

303 (i) promote interoperability among the public agencies served;

304 (ii) positively impact a large service territory;

305 (iii) annually qualify for disbursements as described in Section [63H-7a-304.5](#); and

306 (iv) maintain a designation as an emergency medical service dispatch center as
307 described in Section [26-8a-303](#).

308 (2) Except as provided in Subsection (3), a public agency may not establish a dispatch
309 center or a public safety answering point after January 1, 2017.

310 (3) (a) A public agency that operates a public safety answering point established before
311 January 1, 2017, may:

312 (i) continue to operate the public safety answering point; or

313 (ii) physically consolidate the public safety answering point with another public safety
314 answering point operated by another contiguous public agency or consolidate with a
315 non-contiguous county in accordance with Subsection (1)(a)(iv).

316 (b) A county may establish a public safety answering point on or after January 1, 2017,
317 if no public safety answering point exists in the county.

318 (4) A public agency may, in order to provide funding for operating a public safety
319 answering point:

320 (a) seek funds from the federal or state government;

321 (b) seek funds appropriated by local governmental taxing authorities to fund a public
322 safety agency; or

323 (c) seek gifts, donations, or grants from a private person.

324 (5) (a) Each dispatch center in the state shall enter into an interlocal agreement with the
325 governing authority of a public safety answering point that serves the county [~~where~~] for which

326 the dispatch center ~~[is located that provides for:]~~ provides dispatch services.

327 (b) The agreement listed in Subsection (5)(a) shall provide for:

328 ~~[(a)]~~ (i) functional consolidation of the dispatch center with the public safety answering
329 point that allows for dispatching to occur without the caller being transferred; and

330 ~~[(b)]~~ (ii) a plan for the public safety answering point to provide 911 emergency service
331 to the geographic area served by the dispatch center that meets the requirements of Section
332 [63H-7a-304.5](#).

333 (6) (a) No public entity may cause or allow a 911 or emergency call box
334 communication to be redirected to any network other than to the 911 emergency service
335 network.

336 (b) Each public entity shall comply with Subsection (6)(a) on or before July 1, 2019,
337 and thereafter.

338 (7) A special service district that operates a public safety answering point or a dispatch
339 center:

340 (a) shall administer the public safety answering point or dispatch center in accordance
341 with Title 17D, Chapter 1, Special Service District Act; and

342 (b) may raise funds, borrow money, or incur indebtedness for the purpose of
343 maintaining the public safety answering point or the dispatch center in accordance with:

344 (i) Section [17D-1-105](#); and

345 (ii) Section [17D-1-103](#).

346 (8) ~~[No later than January 1, 2021, a]~~ A public safety answering point and dispatch
347 center shall adopt the statewide CAD-to-CAD call handling and 911 call transfer protocol
348 adopted by the Utah Communications Authority board under Subsection [63H-7a-204](#)(17).

349 Section 7. Section **69-2-203** is amended to read:

350 **69-2-203. Audit of public safety answering points within a county -- Reports --**
351 **Consequence of failure to comply.**

352 (1) A county that by June 30, 2024, has not achieved a transfer rate, as defined in

353 Section 69-2-204, of 2% or less shall:

354 (a) utilize a qualified third party to conduct an audit of each public safety answering
355 point within the county; and

356 (b) require the audit to be completed no later than January 1, 2025.

357 (2) The audit described in Subsection (1) shall evaluate:

358 (a) how best to provide the emergency services within the county;

359 (b) what needs to happen for the PSAPs within the county to achieve a transfer rate, as
360 defined in Section 69-2-204, of 2% or less; ~~and~~

361 (c) whether the county could provide more cost efficient emergency service or improve
362 public safety by establishing a single public safety answering point for the county[-]; and

363 (d) the extent to which the dispatch center's policies, procedures, or interlocal
364 agreements cause a PSAP to experience difficulty in meeting the requirements of Section
365 63H-7a-304.5.

366 (3) (a) Each public safety answering point shall participate and cooperate in the audit
367 described in Subsection (1).

368 (b) A public safety answering point that fails to participate and cooperate in the audit
369 as described in Subsection (1) is ineligible for funding or services provided by the Unified
370 Statewide 911 Emergency Services Account described in Section 63H-7a-304.

371 (4) No later than February 28, 2025, a county required to have an audit conducted
372 under Subsection (1) shall submit to the Utah Communications Authority:

373 (a) a copy of the audit report; and

374 (b) a written plan of how and when the county will implement the audit
375 recommendations.

376 (5) A PSAP in a county that fails to comply with the requirements of this section does
377 not qualify for a distribution of funds under Section 63H-7a-304.5 for the entire calendar year
378 in which the PSAP does not qualify.

379 Section 8. Section 69-2-204 is amended to read:

380 **69-2-204. Public safety answering point 911 call transfer rate requirements.**

381 (1) As used in this section:

382 (a) "Fiscal year" means the period from July 1 of one year to June 30 of the following
383 year.

384 (b) (i) "Transfer rate" means the percentage of 911 calls that are:

385 ~~[(+)]~~ (A) received by a public safety answering point during a fiscal year; and

386 ~~[(+)]~~ (B) transferred to another location in the state.

387 (ii) "Transfer rate" does not include transfers from a public safety answering point to
388 988 services or poison control.

389 (2) Subject to Subsection (3), a public safety answering point shall maintain a transfer
390 rate that is no more than 2%.

391 (3) A public safety answering point with a transfer rate for the fiscal year ending June
392 30, 2020, that is greater than 2% shall:

393 (a) for the fiscal year ending June 30, 2021, reduce the public safety answering point's
394 transfer rate to at least 5% less than the transfer rate for the fiscal year ending June 30, 2020;

395 (b) for the fiscal year ending June 30, 2022, reduce the public safety answering point's
396 transfer rate:

397 (i) to at least 15% less than the transfer rate for the fiscal year ending June 30, 2020; or

398 (ii) to at least 10% less than the transfer rate for the fiscal year ending June 30, 2021;

399 and

400 (c) for the fiscal year ending June 30, 2023, reduce the public safety answering point's
401 transfer rate to no more than 5%.